

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT ANTHONY SEALEY,

Plaintiff,

v.

FRANK BUSICHIO, *et al.*,

Defendants.

CASE NO. CV13-00975-BJR

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PLAINTIFF'S COMPLAINT

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S COMPLAINT**

The Court, having reviewed [17] Plaintiff's Amended Complaint, [28] Defendant's Motion for Summary Judgment, and [35] the Report and Recommendation of the Honorable J. James P. Donohue, United States Magistrate Judge, and the balance of the record, does hereby find that:

- (1) The Magistrate Judge correctly concluded that Plaintiff failed to exhaust the administrative remedies available to him as required by 42 U.S.C. § 1997e(a), and the exhaustion requirement is not excused;

- 1 (2) Plaintiff's Objections to the Report and Recommendation are dismissed because
2 they simply reiterate arguments made in response to Defendants' Motion for
3 Summary Judgment. These arguments were considered by the Magistrate Judge;
4 (3) The Court ADOPTS the Report and Recommendation;
5 (4) Accordingly, Plaintiff's Complaint is DISMISSED without prejudice and this
6 case is CLOSED.
7 (5) The Clerk of the Court is respectfully directed to send copies of this Order to
8 Plaintiff, Defendants, and to Judge Donohue.
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10 **IT IS SO ORDERED.**

11 DATED this 10th day of October, 2014.
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17 BARBARA J. ROTHSTEIN
18 UNITED STATES DISTRICT JUDGE
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